

REMARKS

This response is limited to addressing of the issues which the Examiner found not to be fully addressed in applicant's response of June 11, 2008, and is supplemental to the amendments and comments provided therein.

With regard to the substitute specification filed with the June 11th response, it contains no new matter as can be verified by the Examiner from a review of the mark-up copy thereof.

Claims 1-4, 6-8, 12 and 13 have been rejected under 35 USC §103 over the combination of the Silvera '748 and Japanese '536 patents. This rejection is inappropriate for the following reasons in addition to those presented in the June 11th response to which reference should be made.

As previously noted, the Examiner recognized that the Silvera '748 patent neither discloses nor remotely suggests the recited mouthpiece having a mouth with an "inclining wall surrounding a second, open part of the mouth..." and applicant explained why it is believed that that, Silvera '748, in effect, teaches away from the recited method steps in claim 1.

The Japanese '536 reference has been cited by the Examiner as supposedly making it obvious to tilt the comb of Silvera et al. "as one skilled in the art would recognize that if the shear of hair was badly infested with parasites, one would need to frequently lift the comb from the skin to remove the parasites and use short strokes to concentrate the force of the vacuum and mechanical action of the comb in that area." This position of the Examiner is inappropriate for several reasons.

First, the '536 reference does not possess a comb and is not directed to rooming of cats and dogs. As can be seen from the appended partial machine translation obtained from the Japanese Patent Office web site, the '536 reference relates to a dusting brush for cleaning in fine slots of "the keyboard of a computer, for example." The person of ordinary skill in the art would find no reason or motivation to modify the orientation of the comb of Silvera et al. based on the orientation of the brush of the '536 reference used for cleaning in the slots of a computer keyboard. The manner in which brushes are moved along/through keyboard slots has no relevance to how a comb is moved through the hair of a dog or cat. As for the quoted statement from the Examiner's rejection, it appears to be improperly based solely on applicant's own disclosure as there is no evidence of any recognition in the art of the fact quoted by the Examiner or that angling and moving of the comb as claimed would have any

beneficial effect even if it were recognized that "one would need to frequently lift the comb from the skin to remove the parasites and use short strokes to concentrate the force of the vacuum and mechanical action of the comb in that area."

Accordingly, it is submitted that no reasonable interpretation of the disclosures of the two applied references would lead one of ordinary skill to a vacuum attachment and method of use thereof as claimed. Therefore, reconsideration and withdrawal of the rejection under § 103 based on the combination of the Silvera '748 and Japanese '536 patents is in order and is requested.

While this application should now be in condition for allowance, in the event that any issues should remain after consideration of this response which could be addressed through discussions with the undersigned, then the Examiner is requested to contact the undersigned by telephone for that purpose.

Respectfully submitted,



David S. Safran
Registration No. 27,997

Customer No. 25570

Roberts Mlotkowski Safran & Cole, P.C.
PO Box 10064
McLean, VA 22102

Direct Telephone: (703) 584-3273

DSS:kmm